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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,294	11/29/2000	Masashi Koshino	11P338920	8772
21254	7590	07/29/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			AMINZAY, SHAIMA Q	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,294

Applicant(s)

KOSHINO, MASASHI

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed May 5, 2005 have been fully considered

1. Arguments with respect to claims 3-5, 9-11, and 13-18 are moot in view of indicating that they are allowable subject matter as stated in the previous office action (February 7, 2005).
2. Arguments with respect to claims 6 and 12 are moot as the amendments to the independent claims 2 and 8 overcome the rejection puts the dependent claims 6 and 12 in allowable condition, and the objection with respect to the above claims are withdrawn.
3. Arguments with respect to claims 1-2, 7-8, and 19 are moot as the amendments overcome the rejection and puts the above claims in allowable condition, and the rejection with respect to the above claims are withdrawn.
4. Applicant's arguments with respect to claim 20 under 35 U.S.C.102(e) Rejection has been fully considered, but they are not persuasive.

The applicant's argued the features in claim 20 (last paragraph page 11) that "determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently" to be established read upon Jokimies (Jokimies et al., US Patent No. 6,526,267). The Examiner respectfully disagrees. As discussed in the rejection above, Jokimies reception levels are changing rapidly, comparing and determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently.

Jokimies' analogous to the applicants teaching, that's why it does obviate.

Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- a. A person shall be entitled to a patent unless –
 - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Jokimies (Jokimies et al., US Patent No. 6,526,267).

Regarding claim 20, Jokimies teaches of a method of radio communication (Figures 1, 3, and 4 and starting column 1, line 33 and ending column 2, line 4), comprising: comparing during a waiting operation, broadcast data and reception levels from a plurality of base stations with registered data corresponding to a preset position (Figures 2 and 3 and starting column 3, lines 26 – 44 and starting column 3, line 66 and ending column 4, line 10), and wherein said comparing includes determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently (see for example, column 3, lines 26 – 37).

Allowable Subject Matter

6. Claims 1-19 are allowed.

“A radio communication terminal, which, during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said terminal comprising: a storing unit for storing broadcast data and reception levels received from a plurality of base stations, as registered data that defines a registered presence position when said radio communication terminal is located at a preset presence position; and comparing means for comparing, during said waiting operation, a currently-received broadcast data and reception

levels with said registered data in said storing unit, said comparing means including a determining means for determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently, thereby detecting whether said radio communication terminal is moving relative to said base stations." as disclosed in independent claim 1.

"A radio communication terminal, which, during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said terminal comprising: a storing unit for storing broadcast data and reception levels received from a plurality of base stations when said radio communication terminal is in a preset presence position as registered data, thereby defining a registered presence position; comparing means for comparing, during said waiting operation, a currently-received broadcast data and reception levels with said registered data in said storing unit, said comparing means including a determining means for determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently, thereby detecting whether said radio communication terminal is moving relative to said base stations; and setting means for setting, when said comparing means detects coincidence between said currently-received broadcast data and reception levels and said registered data, a preset function corresponding to the pertinent said registered data." as disclosed in independent claim 2.

"A radio communication terminal system, which, during a waiting operation receives broadcast data from a plurality of base tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF stations to determine a current presence position, said system comprising: a storing unit for storing broadcast data and reception levels received from a plurality of base stations, as registered data, when said radio communication terminal is located at a preset position to define a registered presence position; comparing means for comparing, during said waiting operation, currently-received broadcast data and reception levels with said registered data in said storing unit, said comparing means including a determining means for determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently; and setting means for setting, when said comparing means detects coincidence between said currently-received broadcast data and reception levels and said registered data, a preset function corresponding to said registered data, wherein said preset function include at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF" as disclosed in independent claim 3.

"A radio communication terminal, which, during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said terminal comprising: a storing unit for storing broadcast data and

reception levels received from a plurality of base stations received, as registered data, when said radio communication terminal is located at a preset position to define a registered presence position; comparing means for comparing, during said waiting operation, a currently-received broadcast data and reception levels with said registered data in said storing unit, said comparing means including a determining means for determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently; and setting means for setting, when said comparing means detects coincidence between said currently-received broadcast data and ~reception levels and said registered data, a preset function corresponding to said registered data, and for restoring a preset default setting, when said comparing means does not detect coincidence between said broadcast data and said reception levels" as disclosed in independent claim 4.

"A radio communication terminal, which during a waiting operation, receives broadcast data from a plurality of base stations to determine a current presence position, said terminal comprising a storing unit for storing broadcast data and reception levels received from a plurality of base stations received, as registered data, when said radio communication terminal is located at a preset position, said registered data defining a registered presence position; comparing means for comparing, during said waiting operation, said broadcast data and said reception levels with said registered data in said storing unit, said comparing means

including a determining means for determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently; and setting means for setting, when said comparing means detects coincidence between said broadcast data and said reception levels, and said registered data, a preset function corresponding to said registered data, said preset function including at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF, and when said, comparing means does not detect said coincidence, restoring a preset default setting” as disclosed in independent claim 5.

“An automatic function setting method for a radio communication terminal, which, during a waiting operation' receives broadcast data from a plurality of base stations to determine a current presence position, said method comprising: storing, when said radio communication terminal is located at a preset position, broadcast data and reception levels received from a plurality of base stations received at said preset position, as registered data defining a registered presence position; and comparing, during said waiting operation, said broadcast data and said reception levels with said registered data, which is stored, said comparing including a determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently, thereby detecting whether said radio communication terminal is moving relative to said base stations” as disclosed in independent claim 7.

“An automatic function setting method for a radio communication terminal, which, during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said method comprising: storing, when said radio communication terminal is located at a preset position, broadcast data and reception levels received from a plurality of base stations received at said preset position, as registered data defining a registered presence position; comparing, during said waiting operation, said broadcast data and said reception levels with said registered data which is stored, said comparing including a determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently, thereby detecting whether said radio communication terminal is moving relative to said base stations; and setting a preset function corresponding to said registered data, when a coincidence between said broadcast data and said reception levels, and said registered data is detected” as disclosed in independent claim 8.

“An automatic function setting method for a radio communication terminal, which, during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said method comprising: storing, when said radio communication terminal is located at a preset position, broadcast data and reception levels received from a plurality of base stations

received at said preset position, as registered data to define a registered presence position; comparing, during said waiting operation, said broadcast data and said reception levels with said registered data, which is stored, said comparing including a determining that at least one of a number of said base station and a reception level from said base stations is changing frequently; and setting a preset function corresponding to said registered data, when a coincidence between said broadcast data and said reception levels, and said registered data is detected, said preset function including at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF” as disclosed in independent claim 9.

“An automatic function setting method for a radio communication terminal, which during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said method comprising: storing, when said radio communication terminal is located at a preset position, broadcast data and reception levels received from a plurality of base stations being received at said preset position, as registered data defining a registered presence position; comparing, during said waiting operation, said broadcast data and said reception levels with said registered data, which is stored, said comparing including a determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently; and setting a preset function corresponding to said registered data, when a

coincidence between said broadcast data and said reception levels, and said registered data is detected, wherein said setting includes restoring a preset default setting, when said broadcast data and said reception levels are not coincident with said registered data” as disclosed in independent claim 10.

“An automatic function setting method for a radio communication terminal, which, during a waiting operation receives broadcast data from a plurality of base stations to determine a current presence position, said method comprising: storing, when said radio communication terminal is located at a preset position, broadcast data and reception levels received from a plurality of base stations received at said preset position, as registered data to define a registered presence position; comparing, during said waiting operation, said broadcast data and said reception levels with said registered data which is Stored, said comparing including a determining that at least one of a number of said base stations and a reception level from said base stations is changing frequently; and setting a preset function corresponding to said registered data, when a coincidence between said broadcast data and said reception levels, and said registered data is detected, said preset function including at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF, wherein said setting includes restoring a preset default setting, when said broadcast data and said reception levels are not coincident with said registered data” as disclosed in independent claim 11.

For these reasons, independent claims 1-5, and 7-11 are allowed. Claims 19, 6, 13-15, 12, 16-17 and 18 are depend on the independent claims 1-5, and 7-11. Claims 6, 13-15, 12, 16-17 and 18 are allowed under the same reasons set forth in claims 1-5, and 7-11.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

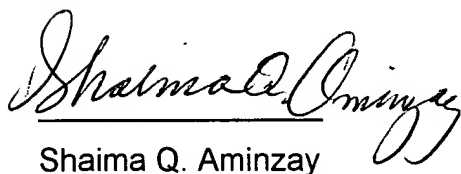
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-276-7874. The examiner can normally be reached on 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay Maung

(SPE)

Art Unit 2684

July 18, 2005